

REMARKS

Claims 1-13 are pending.

Claims 1-13 stand rejected.

No claims have been amended.

Applicant respectfully requests reconsideration and allowance of all pending claims.

I. REJECTION UNDER 35 U.S.C. § 103

Claims 1-4, 7, 8, 10, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaki (US Patent No. 7,164,915) in view of Ruan (US Patent Application Publication No. 2004/0246922).¹

Claims 5, 6, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaki in view of Astarabadi (US Patent Application Publication 2005/0138178) and further in view of Ruan.²

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Zaki (US Patent No. 7,164,915) in view of Astarabadi (US Patent Application Publication 2005/0138178) and further in view of Davi ("Alternative Wireless").

The rejections are respectfully traversed.

Regarding Claims 1-4, 7, 8, 10, 11, and 13, it is asserted that Zaki discloses all of the recited elements and limitations except for "receiving from the first access point the roaming candidate list identifying the plurality of candidate access points in the WLAN." This missing

¹ Applicants note that the Office Action refers to Ruan as U.S. Patent Application Publication No. 2006/0187873. This is the publication number for the previously-cited Friday reference. Applicants assume that the current Office Action relies on the Ruan reference and that the reference of Friday's publication number was inadvertent. Applicants further note that the Office Action technically only rejects Claims 1-4, 7, and 8 based on Zaki in view of Ruan. However, in the body of the Office Action (page 6), there is a paragraph stating reasons for also rejecting Claims 10, 11, and 13. Applicants assume the Examiner intended to reject Claims 10, 11, and 13 under Zaki in view of Ruan.

² Applicants note that the Office Action technically only rejects Claims 5 and 6 under Zaki in view of Astarabadi and further in view of Ruan. However, the body of the Office Action (pages 8-9) states reasons for rejecting Claim 12 in the same section dealing with Claims 5 and 6. Applicants assume it was intended that Claim 12 was also rejected under Zaki in view of Astarabadi and further in view of Ruan.

limitation is allegedly taught by Ruan. The Office Action asserts that Ruan [0014] discloses that “the wireless device maintains an access point list of wireless access points and corresponding access point association quality values.” Office Action, at 3.

Applicants respectfully submit that Ruan does not disclose the limitation admitted to be missing from the Zaki reference. Even if it is taken as true that Ruan discloses that which is stated in the Office Action, the alleged disclosure is not the same as the recited element of “receiving from the first access point the roaming candidate list identifying the plurality of candidate access points in the WLAN.” In other words, even if Ruan’s wireless device maintains an access point list of wireless access point association quality values, this is not the same as “receiving from the first access point the roaming candidate list identifying the plurality of candidate access points in the WLAN.” In Ruan, there is no indication that any list *maintained by the wireless device is received from the first access point*. To the contrary, Ruan indicates that his network’s access points each individually send resource information for only that particular access point. This resource information is sent to the wireless device. Any evaluation, listing, ranking, etc. of multiple access points is performed by the wireless device. See Ruan, Fig. 5 and associated paragraphs [0052], [0055], and [0057]. Thus, the wireless device does not receive, from a first access point, a roaming candidate list identifying a plurality of candidate access points. In Ruan, from any given access point, the wireless device only receives certain resource information, which is related only to that one respective access point.

Regarding Claims 5, 6, and 12, Applicants respectfully submit that the arguments set forth above similarly apply. That is, independent Claim 5 (and therefore dependent Claims 6 and 12) recites that “the roaming candidate list identifying the plurality of candidate access points in the WLAN is received from the first access point.” By contrast, in Ruan, for any access point that is in any list maintained by the wireless device, that access point individually sends resources information to the wireless device. Thus, Ruan’s wireless device collects resource information for each access point separately, rather than collecting a list of a plurality of candidate access points from a first access point.

Regarding independent Claim 9, and as set forth in Applicant's prior response, original Claim 9 recites that "the access points in a first cell are operable for transmitting a roaming candidate list to a mobile device associated with one of the access points in the first cell, the list identifying one or more neighborhood access points." The Office Action points to Astarabadi (Figure 2, #450, Figure 3, #458 and Col. 3, paragraph 0041) as teaching this element/feature. Applicant respectfully disagrees. This portion of Astarabadi merely describes that the "AP list" may be downloaded. What APs are identified in this list is undetermined. Applicant's list is a list of roaming candidates. Astarabadi does not disclose this. In fact, reference to Astarabadi, Col. 3, paragraph 0036, confirms that the "AP list" is provided to the wireless station upon initial login, and the list includes "each AP to which a user of the wireless station has access privileges." Thus, Applicant submits that the AP list initially downloaded to the wireless station in Astarabadi is not a "roaming candidate list" as that term is used and described in Applicant's specification. The Davi reference fails to cure the noted deficiencies in Zaki and Astarabadi, therefore, the proposed combination of Zaki-Astarabadi-Davi fails to render obvious Claim 9. Moreover, for the same reasons provided above in connection with Claims 1-8, and 10-13, this deficiency in the Zaki, Astarabadi and Davi references would not overcome by additional reliance on Ruan.

Based on the foregoing, Applicants respectfully requests withdrawal of the 35 U.S.C. § 103 rejections.

II. CONCLUSION

As a result of the foregoing, Applicants respectfully assert that the pending Claims are in condition for allowance, and such allowance is respectfully requested.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

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